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September 16, 2020

**VIA ECF**

Hon. Louis L. Stanton, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *FTC, et al. v. Quincy Bioscience Holding Co., Inc., et al.*  
Case No. 1:17-cv-00124-LLS

We represent Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc. and Quincy Bioscience Manufacturing, LLC (“Quincy”) in the above-referenced action. We write today with counsel for Plaintiffs requesting a brief extension of the fact discovery deadline for the reasons set forth below.

On August 21, 2020, Quincy advised plaintiffs The Federal Trade Commission and the People of the State of New York (“Plaintiffs”) that Quincy intended to conduct Rule 30(b)(6) depositions of Plaintiffs and served its forty-three topics on the FTC and forty-two topics on the NYAG on that date. Quincy requested that Plaintiffs provide dates that each agency’s Rule 30(b)(6) designee(s) would be available to be deposed beginning in the second week of September. Quincy also sought dates from Plaintiffs to depose the eleven individuals and entities that Plaintiffs identified in their Initial Rule 26 Disclosures.

On August 27, 2020, Plaintiffs requested that the parties meet-and-confer on a date between September 2-4, 2020. On September 2, 2020, the parties met-and-conferred regarding Quincy’s Rule 30(b)(6) depositions of Plaintiff and the depositions of the individuals and entities that Plaintiffs identified in their Initial Rule 26 Disclosures. The parties were at an impasse at the conclusion of that meet-and-confer session, and Defendants requested that Plaintiffs put their position in writing. On September 4, Plaintiffs informed Defendants that they would provide their written response by no later than September 9.

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On September 8, 2020, Quincy served its Rule 30(b)(6) Deposition Notices on Plaintiffs. Plaintiffs served a letter on Quincy on September 9, 2020, stating their positions with respect to the noticed Rule 30(b)(6) depositions.

During the Parties' meet-and-confer process, Plaintiffs advised Defendants that they did not intend to present any of the eleven individuals and entities that Plaintiffs identified in their Initial Rule 26 Disclosures at trial and that the individuals identified performed perfunctory tasks in the litigation and did not possess any substantive factual knowledge regarding the allegations contained in the Complaint. If they do later decide to present any of the eleven individuals or entities at trial, Plaintiffs have agreed through a letter stipulation that they will present such individuals and/or entities for deposition prior to trial.

A dispute continues between the parties with respect to Quincy's Rule 30(b)(6) Deposition Notices directed to Plaintiffs. The Parties are continuing their efforts to resolve this dispute.

In light of the current dispute, and the impending close of fact discovery, the Parties request that the fact discovery deadline currently set for September 30, 2020, be extended to October 30, 2020, as set forth in the attached Stipulation.

In addition, the Parties request that the Status Conference currently set for October 16, 2020 at 2:30 p.m. be adjourned to after the proposed fact discovery deadline, on November 16, 2020 at 2:30 p.m., or to another date set by the Court.

For these reasons, the Parties respectfully request that the Court enter the attached Stipulation and Order.

Respectfully submitted,

/s/ Geoffrey W. Castello

Geoffrey W. Castello

GWC/mc